

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE

LESTER EUGENE SILER, JENNY SILER, )  
DAKOTA SILER, a minor, by and through next )  
friends, LESTER E. SILER and JENNY SILER, )  
 )  
Plaintiffs, )  
 )  
GERALD DAVID WEBBER, et al., )  
 )  
Defendants. )

No.: 3:05-cv-0341  
(Jarvis/Guyton)

**AGREED ORDER**

Come the plaintiffs and the defendant Western Surety Company by agreement, and inform the Court that the defendant Western Surety Company's motion to dismiss this action, as to said defendant only, should be granted because said defendant is not a necessary party;

It is therefore Ordered that the defendant, Western Surety Company's motion is granted and said defendant is dismissed as a party to this lawsuit. Western Surety Company is granted leave to subsequently file a motion pursuant to T.C.A. 25-3-122, Motion by Surety, to take judgment over and against the remaining defendants in this case, in the event Western Surety Company has to pay under its surety bond for, and on behalf of, said defendants.

Entered this \_\_\_\_ day of \_\_\_\_\_, 2005

\_\_\_\_\_  
District Court Judge

